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Docket No.: M4065.0489/P489-A  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Donald L. Yates et al.

Application No.: 10/734,201

Confirmation No.: 4789

Filed: December 15, 2003

Art Unit: 2812

For: DEVICE HAVING IMPROVED SURFACE  
PLANARITY PRIOR TO MRAM BIT  
MATERIAL DEPOSITION

Examiner: H. J. Tsai

**AMENDMENT AFTER NON-FINAL ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the non-final Office Action dated August 7, 2007, rejecting claims 22-33, 40 and 41, please amend the above-identified U.S. patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 6 of this paper.